

[Main Display](#)[Back to Search](#)[Exit Database](#)

Full Text of California Initiative

Initiative Title CHIROPRACTORS

Sec. of State # 1938-c-2

Year 1938

Qaulified? Qualified

PDF file link [PDF File Link](#)

Summary

Chiropractors. Initiative. Amends title and certain sections of **Chiropractic** Act; provides secretary of **Chiropractic** Board shall devote full time to duties and increases his salary; increases powers of board; increases educational requirements of applicant for license; permits licensees to diagnose and treat diseases, injuries, deformities or other physical or mental conditions of human beings, without using drugs or severing any tissues of human body; specifies grounds of and proceedings for suspension or revocation of license; specifies annual renewal license fee and method of reinstating forfeited license; declares licensees shall report communicable diseases and sign birth and death certificates.

Initiative Text

The proposed law and act is as follows:

An act to amend the title and sections 3, 4, 5, 7, 10, 12 and 13 of that certain act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of **chiropractic**, creating the state board of **chiropractic** examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved by the electors at the general election on November 7, 1922; providing for the organization of the state board of **chiropractic** examiners and providing for its officers, duties, powers and compensation; regulating the practice and licensing of chiropractors; defining the scope of practice of licensees; fixing license and renewal fees; providing for the issuance, suspension, revocation and reinstatement of licenses; providing for investigation and approval of **chiropractic** schools and colleges; requiring reports of communicable diseases; and repealing all conflicting provisions of other acts.

The people of the State of California do enact as follows:

Section 1. The title of that certain act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of **chiropractic**, creating the state board of **chiropractic** examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved by the electors at the general election on November 7, 1922, is hereby amended to read as follows:

"An act creating the state board of **chiropractic** examiners, and providing for its organization, members, duties and powers; regulating the practice and licensing of chiropractors and defining the scope of practice thereof; providing for the investigation and approval of **chiropractic** schools and colleges; establishing educational requirements and other qualifications for licensees; fixing license fees; providing for the issuance, suspension, revocation and reinstatement of licenses; prescribing penalties for violation hereof, and repealing all conflicting provisions of other acts."

Section 2. Section 3 of said act is hereby amended to read as follows:

Sec. 3. The board shall convene within thirty days after the appointment of its members, and shall organize by the election of a president, vice-president and secretary, all to be chosen from the members of the board. Thereafter elections of officers shall occur annually at the January meeting of the board. A majority of the board shall constitute a quorum.

It shall require the affirmative vote of three members of said board to carry any motion or resolution, to adopt any rule, or to authorize the issuance of any license provided for in this act.

The secretary shall receive a salary to be fixed by the board in an amount not less than three thousand six hundred dollars per annum and not more than four thousand two hundred dollars per annum, together with his actual and necessary traveling expenses incurred in connection with the performance of the duties of his office, and shall give bond to the state in such sum with such sureties as the board may deem proper. He shall devote his full time to the performance of his duties as such secretary. He shall keep a record of the proceedings of the board, which shall at all times during business hours be open to the public for inspection. He shall keep a true and accurate account of all funds received and of all expenditures incurred or authorized by the board, and on the first day of December of each year he shall file with the governor a report of all receipts and disbursements and of the proceedings of the board for the preceding fiscal year.

Section 3. Section 4 of said act is hereby amended to read as follows:

Sec. 4. The board shall have power:

- (a) To adopt a seal, which shall be affixed to all licenses issued by the board.
- (b) To adopt from time to time such rules and regulations as the board may deem proper and necessary for the enforcement of this act, copies of such rules and regulations to be filed with the secretary of the board for public inspection.
- (c) To examine applicants and to issue and revoke licenses to practice **chiropractic**, as herein provided.
- (d) To summon witnesses and to take testimony as to matters pertaining to its duties; and each member shall have power to administer oaths and take affidavits in connection with board matters.
- (e) To approve every **chiropractic** school or college which complies with the provisions of this act and the rules and regulations of the board. Nothing in this act shall prohibit the board from withdrawing its approval of any **chiropractic** school or college after such approval has been granted.
- (f) To promulgate and adopt rules and regulations for the conduct of **chiropractic** schools and colleges. Each **chiropractic** school or college in order to obtain the approval of the board shall make application therefor to the board in writing, and shall furnish such information regarding such school or college as may be required by the board. Said schools or colleges shall at all reasonable times permit any member of the board or any representative thereof to enter upon the premises of such school or college and to inspect the facilities and records thereof.

(g) To publish an annual directory, a copy of which shall be delivered to each licentiate without cost. Copies of said directory may be sold to other persons at one dollar per copy.

(h) To employ an assistant secretary, inspectors, attorney, and such other clerical assistance as the board may deem necessary.

(i) To do any and all things necessary or incidental to the exercise of the powers and duties herein granted or imposed.

Section 4. Section 5 of said act is hereby amended to read as follows:

Sec. 5. It shall be unlawful for any person to practice **chiropractic** in this state without a license so to do. An applicant for a license hereunder must be not less than twenty-one years of age, of good moral character, and must submit satisfactory proof of graduation from a high school requiring not less than fifteen units for graduation. He must apply to said board at least fifteen days prior to any meeting thereof, upon such form and in such manner as the board may provide, and the application must be accompanied by a fee of twenty-five dollars.

Except in cases herein otherwise provided for, an applicant for a license to practice **chiropractic** must be a graduate of a **chiropractic** school or college approved by said board, which teaches a course of instruction of not less than four thousand hours in the subjects hereinafter enumerated in this section, extended over a period of four school terms of not less than nine months each.

An applicant for a license hereunder must submit satisfactory proof of actual attendance during not less than ninety per cent of the hours herein prescribed.

For the purposes of this act, an academic "hour" shall be construed as a period of not less than fifty minutes. The hours of instruction and the subjects required of an applicant for a license to practice **chiropractic**, and the minimum of hours and courses to be taught by an approved **chiropractic** school or college are as follows:

<i>Subject Hours</i>	<i>Dissection</i>	.....	<i>150 Histology</i>
.....	<i>100 Anatomy</i>		
.....	<i>600 Bacteriology</i>		
.....	<i>100 Chemistry (including 50 hours laboratory)</i>		
.....	<i>150 Hygiene and sanitation</i>	.....	<i>100</i>
<i>Toxicology</i>	.....	<i>50 Physiology</i>	
.....	<i>300 Pathology</i>		
.....	<i>300 Physical Diagnosis and</i>		
<i>Analysis</i>	<i>450 Chiropractic Theory and</i>		
<i>Practice</i>	<i>500 Obstetrics</i>	.....
<i>200 Gynecology</i>	.....	<i>100 Spinography</i>	
.....	<i>100 Biology</i>		
.....	<i>100 Physics</i>		
.....	<i>100 Dietetics, including Endocrinology,</i>		
<i>Biochemistry, and Food Chemistry</i>	<i>300 Physical Therapy and</i>		
<i>practice</i>	<i>300 ---- TOTAL</i>	.....	<i>4000</i>

Section 5. Section 7 of said act is hereby amended to read as follows:

Sec. 7. One form of certificate shall be issued by the board of **chiropractic** examiners; said certificate shall be designated "License to practice **chiropractic**," which license shall authorize the holder thereof to diagnose and treat diseases, injuries, deformities or other physical or mental

conditions of human beings, without the use of drugs and without in any manner severing any of the tissues of the human body.

Section 6. Section 10 of said act is hereby amended to read as follows:

Sec. 10. (a) Said board shall refuse to grant, or may suspend or revoke a license to practice **chiropractic** in this state upon any of the following grounds:

First--Procuring or aiding or attempting to procure a criminal abortion.

Second--Violating or attempting to violate, directly or indirectly, or failure to comply with, any provision of this act.

Third--Wilfully betraying a professional secret.

Fourth--Revocation or suspension by a sister state of a license by virtue of which one is licensed to practice in this state.

Fifth--Employing, directly or indirectly, any unlicensed practitioner in the practice of **chiropractic**, but this provision shall not be construed to prohibit the employment of nurses or other bona fide assistants by licensees under this act.

Sixth--Advertising which is intended or has a tendency to deceive the public or to be harmful to public morals or safety, or the advertising of definite or fixed prices for professional services.

Seventh--Advertising of any treatment, medicine or method whereby the monthly periods of women can be regulated or the menses re-established.

Eighth--Conviction of a felony or of any offense involving moral turpitude in which case the record of such conviction shall be conclusive evidence.

Ninth--The purchase or sale, or offer to purchase or sell, the alteration of, or fraudulent use of, any **chiropractic** or other diploma, degree or license.

Tenth--Fraud in an application or examination for a license.

Eleventh--Practicing **chiropractic** under a false name or the impersonation of another chiropractor.

Twelfth--Habitual intemperance or excessive use of ardent spirits or narcotics.

Thirteenth--Advertising, directly or indirectly, in any manner, that a licensee hereunder, or any person or company connected with him, will treat or cure, or attempt to treat or cure, any venereal or sexual disease, weakness or disorder.

Fourteenth--Failure or refusal to record a license as required by this act.

Fifteenth--The employment of "cappers" or "steerers" or other persons in procuring **chiropractic** practice.

Sixteenth--Misrepresentation in connection with alleged rights or privileges to practice as a licensee under this or any other professional act.

(b) Before any license is suspended or revoked by said board, the licensee shall be furnished with a specification of the ground or grounds upon which suspension or revocation of his license is

contemplated and after reasonable notice thereof to the licensee the board shall conduct a hearing in the matter at which time the licensee may be represented by counsel.

(c) If an application for a license is refused by said board, or if after notice and hearing a license issued is suspended or revoked, the aggrieved person may commence an action in the superior court against the board to compel the granting of the application or to cancel the act of the board in suspending or revoking the license, as the case may be, or for any other appropriate relief, such action to be in the nature of a proceeding in review. Every order of the board shall be final and conclusive as to questions of fact. A proceeding to review an order of the board must be filed within thirty days after the issuance of the order and tried in the county in which the board hearing was held or in any county wherein the board maintains an office.

(d) The secretary shall enter in his records the fact of such revocation or suspension, and shall certify that fact to the county clerk of the county in which the license has been recorded pursuant to Section 11 hereof. Said clerk must thereupon endorse that fact, opposite the name of the licensee in his said record. The record of such revocation or suspension so made by said clerk shall be prima facie evidence of the fact thereof, and of the regularity of all proceedings of said board in the matter of said revocation or suspension.

(e) After two years from the revocation of a license said board may make an order of restoration and issue a new license upon application therefor accompanied by a fee of twenty-five dollars.

Section 7. Section 12 of said act is hereby amended to read as follows:

Sec. 12. Each person licensed under this act shall, on or before the first day of January of each year, after a license is issued to him as herein provided, pay to said board of **chiropractic** examiners a renewal fee of not less than five dollars nor more than ten dollars, to be fixed annually by the board. The secretary of the board shall, on or before November first of each year, mail to all licensed chiropractors in this state, a notice that the renewal fee will be due on or before the first day of January next following. The failure, neglect or refusal of any person holding a license or certificate to practice under this act to pay said annual fee during the time his or her license remains in force shall, after a period of sixty days from the first day of January of each year, ipso facto, work a forfeiture of his or her license or certificate, and it shall not be restored except upon the written application therefor within a period of two years from delinquent date and the payment to said board of a delinquent penalty of ten dollars, together with all renewal fees delinquent, provided that such licentiate who reinstates said license or certificate within the period of two years shall not be required to submit to an examination for the reinstatement of such certificate.

Section 8. Section 13 of said act is hereby amended to read as follows:

Sec. 13. **Chiropractic** licentiates shall observe all state and municipal regulations relating to the reporting of communicable diseases, and shall sign birth and death certificates and make the required reports and file them with the proper authorities as required by law and such reports shall be accepted by the officers of the departments to which they are made.